

### **REMARKS**

Claims 1-10 are pending and remain in this application.

By the foregoing amendment, Claims 1, 3, 5, 6, and 8 have been amended. These claims have been amended to more distinctly point and claim that which Applicants regard as their invention. These amendments are believed not to introduce new matter and entry of the amendments is requested.

### **Claim Objections**

The objection to claim 1 has been taken care of by changing the word "painting" to - - painted- - in line 10 of claim 1. A similar change has been made in claims 3, 5, and 8.

### **Priority**

Applicants acknowledge the acceptance of the U.S. Patent and Trademark Office of Applicants' claim of priority under 35 USC §119(a)-(d).

### **Objection to the Title**

The Examiner has indicated that the Title of the present invention is not descriptive. In that regard, the old Title has been cancelled and a new Title has been added. The new Title is "TELEPHONE DISPLAY PANEL WITH DECORATED AND MAGNIFIED LAYER". This is the Title suggested by the Examiner.

### **Information Disclosure Statement**

The Examiner has objected to the Information Disclosure Statement filed on July 30, 2003 for failing to comply with the provisions of 37 CFR 1.97 and 1.98 because the two (2) Chinese Patents do not contain any translation. In that regard, accompanying this Amendment are certified English language translation of the Abstract and claim 1 for each of the two Chinese documents. The Abstract and claim 1 are believed to be the relevant portions of the documents. It is respectfully submitted that these documents are no more relevant or applicable than any other references already cited by the Examiner.

A new Form PTO-1449 is submitted herewith listing the two Chinese documents. It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and to similarly indicate in the official file wrapper of this patent application that the two Chinese documents have been considered.

### **Claim Rejections under 35 USC §102**

Claims 1, 3 through 7, and 10 have been rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,035,518 (Kubes et al.) for the reasons specifically set forth by the Examiner in paragraph 6 of the Office Action. The Examiner takes the position that all of the elements provided for in claims 1, 3 through 7 and 10 are anticipated by the Kubes patent.

In that regard, independent claim 1 has been amended to further distinctly claim and point out that which the Applicants regard as their invention. In particular, claim 1 has been amended to clarify that the colored or lustrous fine fragments are applied on an adhesive layer so that fragments are adhesively held on the adhesive layer.

According to the Examiner, the Kubes patent discloses a telephone (Fig. 1) that is made up of a body formed of a plastic material (see column 1, lines 27-29) where at least part of the body includes a section formed of a transparent material (see column 1, lines 37-40). The Examiner also states that an adhesive layer is provided on the rear face of the section formed of the transparent material (see column 2, lines 1-4). Finally, the Examiner states that colored or lustrous fine fragments are dispersedly applied onto the adhesive layer (see column 1, lines 25-30).

It is respectfully submitted that the Kubes patent does not teach or suggest the invention as provided for in claim 1 for the following reasons.

The present invention, as provided for in claim 1, relates to a telephone that is made up of a body formed of a plastic material where at least part of the body includes a section formed of a transparent material. An adhesive layer is provided on the rear face of the section formed of the transparent material. Colored or lustrous fine fragments are applied on the adhesive layer and held in place by the adhesive layer. Finally, a painted layer is provided on the colored or lustrous fine fragments that are secured to the adhesive layer.

In contrast, Kubes relates to the use of an organic electroluminescent material in order to provide illuminated areas on a display of a device such a mobile telephone, a pager, or a personal digital assistant.

With regard to the section cited by the Examiner, Fig. 1 does show a mobile telephone subscriber station as stated by the Examiner. However, the remaining citations by the Examiner are misleading. Column 1, lines 27-29, recite that the housing of such telephones are often bright colored plastic that are often decorated with designs such as flowers to increase their appeal.

There is no mention that the housing is transparent. The citation to a transparent portion of the body by the Examiner mentions nothing about the formation of a section of the body of transparent material. The passage quoted by the Examiner is reproduced as follows:

In addition, various models of modular communication devices may incorporate different sizes and/or color combinations of keypads and have various size display areas, typically liquid crystal displays (LCDs), depending upon the number of parameters needed to be displayed and the type of use for which the device is intended.

Further, the reference to an adhesive layer by the Examiner relates to the material used to secure an upper and lower shell of the modular telecommunication device to each other. There is no suggestion or teaching of providing a layer of adhesive to which particles are adhesively secured.

The Kubes et al. reference is particularly directed to the provision of an electroluminescent display assembly and makes use of an electroluminescent material that is put onto a transparent display portion. (See column 4, lines 40-45) The electroluminescent display is activated through a series of grid wires 36 and 34 which cause pixels of the electroluminescent material 35 to emit light 27 in order to create a display (see Fig. 5).

Thus, there is absolutely no suggestion or teaching for providing a telephone that has a body formed of a plastic material where at least part of the body includes a section formed of a transparent material with the inclusion of an adhesive layer put on the transparent material to receive colored or lustrous fine fragments dispersed and held by the adhesive material with a final layer of paint coating both the adhesive layer and the fragments that are adhesively held.

Thus, it is respectfully submitted that claim 1 may no longer be rejected under 35 USC §102 as being anticipated by Kubes et al.

Claims 9 and 10 trace their dependence to claim 1 and as such incorporate limitations of that claim. For at least these reasons, claims 9 and 10 are neither anticipated nor made obvious under 35 USC §102 or §103 by Kubes et al.

Further, it is respectfully submitted that claims 1, 9 and 10 are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

As stated earlier, independent claim 3 has been rejected under 35 USC §102 over Kubes et al. The claim has been amended to emphasize that the painted layer formed on the rear face of the body of the telephone formed of transparent material includes a luminous material in the form of fine fragments.

The comments previously presented with regard to claim 1 regarding the lack of relevance of the Kubes et al. patent are likewise repeated here with further emphasis that the reference fails to teach the use of a painted layer let alone a layer that includes luminous material made of fine fragments.

Also, as stated earlier, claim 4 has been rejected 35 USC §102 as being anticipated by Kubes et al. However, in light of the comments previously presented regarding the inapplicability of Kubes et al., it is respectfully submitted that Kubes et al. fails to teach the use of fine powders of colored or lustrous material dispersedly included in a section of a phone body formed of a transparent material. As previously stated, any reference to any type of material used in the phone is to create an organic electroluminescent display and has nothing to do with the decorative nature of the phone body. Further, there is no reference to the use of any type of material mixed within the plastic in order to create a luminous display composed of fine fragments.

Thus, it is respectfully submitted that independent claims 3 and 4 may no longer be rejected under 35 USC §102 as being anticipated by Kubes et al. Further, it is respectfully submitted that independent claims 3 and 4 are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

With regard to independent claims 5, 6, and 7, these claims generally correspond for their novelty to claims already discussed. In particular, claim 5 relate to the argument presented with regard to claim 1. Claim 6 relates to the arguments presented with regard to claim 3. Claim 7 relate to the arguments presented with regard to claim 4. Thus, it is respectfully submitted that claims 5, 6, and 7 may no longer be rejected under 35 USC §102 by Kubes et al. Further, it is submitted that claims 5, 6, and 7 are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

#### **Claim Rejections under 35 USC §103**

Claim 8 generally relates to the comments previously presented with regard to claim 1 with the addition of additional structure regarding a transparent guard plate which makes it clear that the peripheral section of the plate is formed of the transparent material and it is this transparent material that the invention is directed to with regard to the use of the adhesive layer, the colored or lustrous fine fragments, and the painted layer.

In light of the above, it is respectfully submitted that claim 8 is not made obvious under 35 USC §103 by Kubes et al. in view of Snyder further in view of Yoshida. Further, it is respectfully submitted that claim 8 is neither anticipated nor made obvious by any of the references of record taken alone or in combination.

**Conclusion**

Thus, it now appears that the present application is in condition for allowance. If the Examiner has any questions after reviewing this Amendment, he is cordially invited to call the undersigned attorneys in order that this case may receive an early Notice of Allowance.

Favorable consideration and allowance is earnestly solicited.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

Date: February 6, 2004

Customer No. 00136

400 Seventh Street, N.W.

Washington, D.C. 20004

(202) 638-6666

**Attorney's Docket No. P66355US0**

ASM/LJS/jjk

R:\LSHAPIRONakamura & Partners\P66355\P66355US0 Response to 11-6-2003 OA.wpd

By: Allen S. Melser by [Signature]  
Allen S. Melser  
Reg. No. 27,215  
Reg. No. 28,264